

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, ET AL.,

Plaintiffs,

v.

AMERICAN AIRLINES GROUP INC. and
JETBLUE AIRWAYS CORPORATION,

Defendants.

Civil Action No. 1:21-cv-11558-LTS

**ASSENTED TO MOTION FOR LEAVE TO FILE EXCESS PAGES AND FOR AN
EXTENSION OF THE BRIEFING SCHEDULE**

Defendants American Airlines Group Inc. (“American Airlines”) and JetBlue Airways Corporation (“JetBlue”) (collectively, the “Defendants”) respectfully move this Court, pursuant to Local Rule 7.1(b)(4), for leave to file excess pages in connection with the Parties’ briefing on Defendants’ forthcoming motion to dismiss Plaintiffs’ Complaint, and for a short extension of the schedule for filing opposition and reply briefs. Given that the sets of Plaintiffs and Defendants will each file joint briefs, the Parties have agreed to 35 pages for Defendants’ opening brief, 35 pages for Plaintiffs’ opposition, and 10 pages for Defendants’ reply brief.

The Parties also seek a short extension of the briefing schedule to provide 21 days for Plaintiffs to file their opposition to Defendants’ motion and 10 days from the filing of the opposition for Defendants to file their reply in support. Plaintiffs have assented to the filing of this motion.

In support of this motion, Defendants state as follows:

1. Plaintiffs filed a Complaint on September 21, 2021 (the “Complaint”) (ECF No. 1). Pursuant to Federal Rule of Civil Procedure 12, Defendants’ motion to dismiss the Complaint is due November 22, 2021. Fed. R. Civ. P. 12(a)(1)(A)(ii).

2. The Complaint is 33 pages long and contains 86 substantive paragraphs challenging the Northeast Alliance between the Defendants. The Complaint alleges an antitrust claim for a violation of Section 1 of the Sherman Act.

3. Joint opening briefs in support of and opposition to Defendants’ motion to dismiss of 35 pages each, and a reply of 10 pages, will enable the Parties to fully argue the sufficiency of Plaintiffs’ pleading as a matter of law. The Complaint implicates important legal questions under the federal antitrust laws. This presents good cause for a modest extension of the 20-page limit for memoranda in support of and opposition to motions to dismiss. *See Turner v. Fallon Cmty. Health Plan Inc.*, 953 F. Supp. 419, 421–22 (D. Mass. 1997), *aff’d*, 127 F.3d 196 (1st Cir. 1997). Defendants have made every effort to present the arguments in the opening brief succinctly, and 35 pages will be sufficient for Defendants to fully present these important issues to the Court.

4. Under this Court’s Civil Local Rules, each Defendant would be entitled to file a separate motion to dismiss the Complaint of up to 20 pages, for a combined 40 pages total. Local Rule 7.1(b)(4). However, in the interest of efficiency, Defendants instead seek to file one joint memorandum which would contain fewer pages combined (35) than if Defendants submitted separate memoranda. Additionally, each of the eight Plaintiffs would be entitled to a memorandum in opposition of up to 20 pages. Local Rule 7.1(b)(4). Instead, Plaintiffs agree to combine their responses into a single brief not to exceed 35 pages. Finally, this Court allows reply briefs of up

to 5 pages in length without leave of the court for dispositive motions.¹ Defendants request a modest extension that would permit them to file a single reply of up to 10 pages total.

5. Finally, the Parties seek a short extension of the briefing schedule. Under the Court's Local Rules, Plaintiffs may file an opposition to Defendants' Motion to Dismiss 14 days after the motion is served. Local Rule 7.1(b)(2). Given the importance of the issues and the need for the Parties to coordinate to file consolidated memoranda, the Parties request 21 days for Plaintiffs' opposition to the Motion to Dismiss and 10 days for Defendants to file a reply in support.

WHEREFORE, Defendants respectfully request that the Court grant the Parties leave to file a single Motion to Dismiss brief of 35 pages, an opposition brief of 35 pages, and a reply brief of 10 pages; and that the Court set a briefing schedule of 21 days for the opposition to the Motion to Dismiss and 10 days for the reply in support.

Dated: November 15, 2021

Respectfully submitted,

/s/ Daniel M. Wall

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¹ See USDC Judicial Forum Survey, <https://www.mad.uscourts.gov/boston/sorokin.htm>.

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Daniel M. Wall, hereby certify that on November 12, 2021, on behalf of Defendants American Airlines and JetBlue, I conferred by email with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues presented in this motion prior to filing. The parties agreed to the proposed enlargement of page limits and extension of the briefing schedule, and Plaintiffs have assented to the filing of this motion by Defendants.

/s/ Daniel M. Wall
Daniel M. Wall

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2021, I filed the foregoing document with the United States District Court for the District of Massachusetts using the CM/ECF system, and caused it to be served on all registered participants via the notice of electronic filing (the “NEF”).

Dated: November 15, 2021

/s/ Daniel M. Wall
Daniel M. Wall